

HOUSE BILL NO. 322

INTRODUCED BY J. SINRUD

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LEGISLATIVE ENTITIES THAT MAY REQUEST AN OPINION FROM THE ATTORNEY GENERAL; AMENDING SECTION 2-15-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-15-501, MCA, is amended to read:

**"2-15-501. General duties.** It is the duty of the attorney general:

(1) to prosecute or defend all causes in the supreme court in which the state or any officer of the state in the officer's official capacity is a party or in which the state has an interest;

(2) to represent the state in all bankruptcy proceedings in which the state's interest may be affected and in other debt collection proceedings at the request of a state agency;

(3) after judgment in any of the causes referred to in subsections (1) and (2), to direct the issuing of a process as may be necessary to carry the judgment into execution;

(4) to keep a register of all cases prosecuted or defended by the attorney general. The register must be open to the inspection of the public during business hours. The attorney general shall deliver the register to the attorney general's successor in office.

(5) to exercise supervisory powers over county attorneys in all matters pertaining to the duties of their offices and from time to time require of them reports as to the condition of public business entrusted to their charge. The supervisory powers granted to the attorney general by this subsection include the power to order and direct county attorneys in all matters pertaining to the duties of their office. The county attorney shall, when ordered or directed by the attorney general, promptly institute and diligently prosecute in the proper court and in the name of the state of Montana any criminal or civil action or special proceeding.

(6) when required by the public service or directed by the governor, to assist the county attorney of any county in the discharge of the county attorney's duties or to prosecute or defend appropriate cases in which the state or any officer of the state in the officer's official capacity is a party or in which the state has an interest;

(7) to give an opinion in writing, without fee, to the legislature, ~~or~~ to either house of the legislature by



1 acting through the presiding officer or the minority leader, to any state officer, board, or commission, to any county  
2 attorney, to the city attorney of any city or town, or to the board of county commissioners of any county of the  
3 state when required upon any question of law relating to their respective offices. The attorney general shall give  
4 the opinion within 3 months following the date that it is requested unless the attorney general certifies in writing  
5 to the requesting party that the question is of sufficient complexity to require additional time. If an opinion issued  
6 by the attorney general conflicts with an opinion issued by a city attorney, county attorney, or an attorney  
7 employed or retained by any state officer, board, commission, or department, the attorney general's opinion is  
8 controlling unless overruled by a state district court or the supreme court.

9 (8) to discharge the duties of a member of the board of examiners and state board of land  
10 commissioners;

11 (9) to perform all other duties as required by law."  
12

13 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

14 - END -